

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Melany Norton,

Plaintiff,

Case No. 20-cv-13391

v.

Judith E. Levy
United States District Judge

Commissioner Andrew Saul,¹

Mag. Judge David R. Grand

Defendant.

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION [14]

Before the Court is Magistrate Judge David R. Grand's Report and Recommendation (ECF No. 14) recommending the Court deny Plaintiff Melany Norton's motion for summary judgment (ECF No. 11) and grant Defendant the Commissioner's motion for summary judgment. (ECF No. 12.) The parties were required to file specific written objections, if any, within fourteen days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR

¹ Defendant indicates in its motion for summary judgment that Kilolo Kijakazi "became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Fed. R. Civ. P. 25(d), Ms. Kijakazi should be substituted for Andrew Saul as the defendant. No further action need be taken to continue this suit under the last sentence of 42 U.S.C. § 405(g)." (ECF No. 12, PageID.590 n.1.)

72.1(d). No objections were filed. The Court has nevertheless carefully reviewed the Report and Recommendation and concurs in the reasoning and result.² Accordingly,

The Report and Recommendation (ECF No. 14) is ADOPTED;

Plaintiff's motion for summary judgment (ECF No. 11) is DENIED;

Defendant's motion for summary judgment (ECF No. 12) is GRANTED; and

This case is hereby DISMISSED.³

IT IS SO ORDERED.

Dated: February 14, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

² The Court notes that the Report and Recommendation states that Plaintiff saw Nicolas Marshah, M.D., on January 16, 2017. (See ECF No. 14, PageID.633.) However, the medical record that the Report and Recommendation cites is signed by Christine Otto. (See ECF No. 9, PageID.436–437.) The Court also notes that the Report and Recommendation states that Plaintiff denied having shortness of breath in August 2017. (See ECF No. 14, PageID.634, 644 n.4.) The cited portion of the transcript states that shortness of breath was one of Plaintiff's complaints. (See ECF No. 9, PageID.399.) The medical records are voluminous, and these discrepancies do not impact the outcome of the case.

³ By failing to object to the Report and Recommendation, the parties have forfeited any further right of appeal. See *United States v. Wandahsega*, 924 F.3d 868, 878 (6th Cir. 2019); see also *Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 14, 2022.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager